IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Interim Relief Application No. Nil of 2004
In
Writ Petition No. 1197 (M/B) of 2004

M/s Choudhary Steels,
near Himalaya Dharam Kanta,
Meerut Road, Muzaffarnagar,
through its Partner Sri Rishipal,
S/o Sri Mohan Lal, R/o 289,
Numayas Compound,
Muzaffarnagar. **…….Petitioner**

V e r s u s

1. U.P. State Sugar Corporation Ltd., Head Office, Lucknow through its Managing Director.
2. U.P. State Sugar Corporation Ltd, unit Doiwala, District – Dehradun, through its General Manager.
3. Metal Scrap Trade Corporation Lt., (A Government of India Undertaking), Prakash Deep, 7th Floor, 7, Tolstoy Marg, New Delhi.

…….Respondents

Coram:
Hon'ble P. C. Verma, J.
Hon'ble M.M. Ghildiyal, J.

Heard Ms. Puja Banga, learned counsel for the petitioner, Sri A.N. Sharma, learned counsel for respondent no. 1, Sri T.A. Khan, learned counsel for respondent no. 2

By means of this writ petition, the petitioner has prayed for the following reliefs:

i. A writ, order or direction in the nature of Mandamus commanding the respondents to release the security deposited and the cancelled penalty in favour of the petitioner along with the interest till the date of actual payment is made to the petitioner.

ii. *Any other writ, order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.*

iii. *Award the costs of the writ petition to the petitioner.*

The facts of the case are that respondent no. 3 invited tenders for lifting scrap of respondent no. 2. Petitioner applied for the tender and got the same on 03.02.1995. Petitioner deposited the security of Rs. 2,50,000/- to lift scrap of lot nos. 15, 16, 17, 19, 22, 28, 29 and 26 by 31.07.1995. Due to some problems, petitioner could not lift the scrap of lot no. 15. Thereafter, the tender of the petitioner was cancelled and notice dated 04.09.1995 for auctioning the scrap remaining in lot no. 15 was handed over to the petitioner.

Aggrieved with the action of the respondents, petitioner filed representation, consequently, a Committee was constituted, who gave its report on 04.11.1997. It is mentioned in the report that lot no. 15 fetched at a much higher price because all the ground work has already been done by the petitioner, therefore, the petitioner is entitled to get concession and the Committee also cancelled the penalty imposed upon the petitioner. Thereafter, petitioner made several representations to the Director, U.P. State Corporation Ltd., however, till date no action has been taken by the respondents for releasing the amount deposited by him as per report of the committee.

During the course of argument, learned counsel for the petitioner has confined his prayer that authorities concerned may be directed to decide his representation within a period as prescribed by this court.

The prayer is innocuous. Consequently, we direct the authorities concerned to decide the petitioner's representation dated 09.10.1995 within a period of three weeks from the date of production of certified copy of this order.

With this direction, the writ petition as well as interim relief application no. nil of 2004 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J) **(P.C. Verma, J)**

September 5, 2006
SKSharma